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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,229	08/20/2001	Kenneth N. Harel	CONTC.57582	6394
27629	7590	06/04/2004	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP 200 OCEANGATE, SUITE 1550 LONG BEACH, CA 90802			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,229

Applicant(s)

HAREL, KENNETH N.

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 30 and 35-55 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 and 49-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 35, 36, 41-48 and 52-55 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 37-40, 49-51 are currently withdrawn from considerations. They need to be cancel to put the application in condition for allowance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz et al(6295776) in view of Weldy (re34547).

Kunz et al (figure 1) shows a protective drywall joint device having a rigid elongated core (12) of a predetermined width, longitudinal edges, outer and inner surface, a paper cover (20) bonded to the core (col 3 lines 48-50) and configured to project laterally beyond at least one of said longitudinal edges to form at least one flexible flap (the edge of the cover which extends beyond the core), a plurality of perforations on the flaps spaced equidistant on the outer surface.

Kunz et al does not show the flap having at least four parallel elongated grooves defining therebetween respective ribs, the grooves being spaced 1/8th of an inch apart, said ribs being raised outwardly from the bottom of the respective said grooves at least 1/64th of an inch.

Weldy (col 3 lines 37-40) discloses a plurality of perforations(26, figure 1) spaced equidistant along the grooves, a plurality of grooves lengthwise and ridges interposed therebetween to allow for strong engagement with a plaster material/mud (col 3 lines 49-55).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kunz et al to show the flap having at least three/four grooves lengthwise and four ridges interposed therebetween, the flaps having perforations spaced equidistant along the grooves because it would enable strong engagement with a plaster material/mud to attach the cover to a wall as taught by Weldy, and it would have been an obvious matter of design choice to show the grooves being spaced $1/8^{\text{th}}$ of an inch apart, said ribs being raised outwardly from the bottom of the respective said grooves at least $1/64^{\text{th}}$ of an inch since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Allowable Subject Matter

1. Claims 15-16, 35-36, 41-48, 52-55 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: prior art does not show the inward facing surface of the flap having ridges in combination with other claimed limitations; and prior art also does not provide sufficient motivation to modify Kunz (6295776) to show the inner surface of the flap having ridges.

Response to Arguments

1. Applicant's arguments with respect to claims 15-16, 30, 35-36, 41-48, 52-55 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument to claim 30, examiner respectfully points out that no ridge to the inward facing surface of the flap is claimed. The modification per the lengthwise groove and perforation is motivated as rejected above. The argument is thus moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

6/1/04